

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	Case No. 20-cr-750
Plaintiff,)	
)	Judge Dan Aaron Polster
v.)	
)	<u>OPINION & ORDER</u>
LEE JONES,)	
)	
Defendant.)	

Before the Court is Defendant Lee Jones’ Motion for Release Pending Appeal (the “Motion”). ECF Doc. 51. To obtain release pending appeal, Jones must show: (1) by clear and convincing evidence, that he is not likely to flee or pose a danger to the safety of another person or the community; and (2) that the appeal, as relevant here, is likely to result in vacatur of either the guilty plea or the sentence imposed. 18 U.S.C. § 3143(b); *United States v. Chilingirian*, 280 F.3d 704, 709 (6th Cir. 2002).

Jones has made the necessary showing and may be released on bond pending his appeal. This case presents highly unusual circumstances in that the Government has conceded Jones’ appeal is likely to succeed, which satisfies the second statutory requirement. Moreover, Jones has established his strong ties to the community, including his mother who is in poor health, and this is clear and convincing evidence that the risk of flight is minimal. While Jones pleaded guilty to illegal possession of a firearm in this case and has prior assault convictions, the Court concludes Jones’ release will not pose a danger because there are conditions of release that will ensure the safety of the others and the community. Accordingly, the Court will authorize Jones’ release until such time that an order is issued in his appeal, at which point the Court will reassess Jones’ release as necessary.

For these reasons, Jones' Motion for Release Pending Appeal is hereby **GRANTED**, and the Court **ORDERS** Jones to be released on bond pending the outcome of his appeal. It is further **ORDERED** that Jones' release is subject to the following conditions:

- (1) Jones must not violate federal, state, or local law while on release.
- (2) Jones must cooperate in the collection of a DNA sample, if he has not yet done so.
- (3) Jones must advise the Court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) Jones must appear in court as required, and his counsel will advise him of the next court date.
- (5) Jones must sign an Appearance Bond, in which Jones guarantees both his appearance at future court proceedings and his compliance with all conditions set forth in this Order. The Appearance Bond must be a secured bond in the amount of \$25,000.
- (6) Jones must continue or actively seek employment.
- (7) Jones must surrender his passport to the pretrial services office or supervising officer; if Jones does not have a passport, he must refrain from trying to obtain a passport or other international travel documents.
- (8) Jones must not possess a firearm, destructive device, or other weapon.
- (9) Jones must not travel outside of the Northern District of Ohio without first obtaining permission from the Court.
- (10) Jones must submit to location monitoring through GPS technology.
- (11) Jones must report, as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(12) Jones must execute an Advice of Penalties and Sanctions form, in which Jones acknowledges that he has been advised of the potential consequences for failing to appear to appear as required, for failing to abide by the conditions set forth in this order, and for committing another offense while on release.

(13) If the appellate court affirms or modifies Jones' sentence, Jones must surrender as directed to serve any remaining portion of his sentence.

The Clerk of the Court is **DIRECTED** to provide a copy of this Order to the United States Probation Office, and the United States Marshal Service.

IT IS SO ORDERED.

Dated: August 11, 2022

/s/ Dan Aaron Polster
Dan Aaron Polster
United States District Judge